

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICHAEL NEY BERRY,

Plaintiff,

v.

WHOLE FOODS MARKET PACIFIC
NORTHWEST INC.,

Defendant.

CASE NO. 2:23-cv-819 MJP

ORDER GRANTING IN PART
AND DENYING IN PART
PLAINTIFF'S MOTION FOR
LEAVE TO FILE AMENDED
COMPLAINT

This matter comes before the Court on Plaintiff's Motion for Leave to File an Amended Complaint. (Dkt. No. 14.) Having reviewed the Motion, Defendant's response (Dkt. No. 15) and all other relevant material, GRANTS the Motion in part and DENIES in part.

Plaintiff may amend his complaint as proposed in his Motion with the exception of paragraph 6.5, which states Plaintiff seeks punitive damages. (Mot. Exhibit 1, Proposed Am. Compl. at 14 (Dkt. No. 14-1).) Plaintiff is bringing claims under the Washington Law Against Discrimination, which does not allow for punitive damages. As such, any amendment seeking

1 punitive damages is futile. The Court DENIES Plaintiff's Motion as to paragraph 6.5. All other
2 proposed amendments in Plaintiff's Motion are GRANTED.

3 The clerk is ordered to provide copies of this order to all counsel.

4 Dated November 6, 2023.

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6 Marsha J. Pechman
7 United States Senior District Judge
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